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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/057,556	04/09/1998	SHUICHI OKAMURA		6532

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EXAMINER

TSEGAYE, SABA

ART UNIT PAPER NUMBER

2662

DATE MAILED: 06/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/057,556

Applicant(s)

OKAMURA

Examiner

Saba Tsegaye

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. Claims 1, 2, 8-10, 13 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Sugiyama et al. in view of Bhadkamkar et al. (US 5,893,062).

Regarding claims 1, 8-10 and 13, Sugiyama discloses, in Fig 11, blocks 1, 2, 21-25, 7, 34, 31(claimed transmitting means, as in claims 1, 13) and blocks 17, 19, 38, 30, 26-30, 16, 13, 11(claimed receiving means, as in claims 1, 9, 13). Further, Sugiyama discloses a controller 31 and an audio selector (claimed detecting and control means, as in claims 1 and 13); a video high-efficiency encoder 22 and the audio high-efficiency encoder 24(claimed compressing means, as in claim 8); and decoders 27, 29 (claimed expansion units, as in claim 10). The controller, in accordance with the number of selected audio channels, supplies a control signal to the video high-efficiency encoder 22, the audio selector 34, and the audio high-efficiency encoder 24. See column 10, lines 17-21; column 11, lines 59- 67; and column 15, lines 12-21.

Regarding claim 2, Sugiyama discloses a communication apparatus wherein the controller changes the packet size of the image data gradationally according to the amount of the sound data to be transmitted in packets (column 10, lines 17-21; column 17, lines 47-51, claim 20).

However, Sugiyama does not expressly disclose that the image data is divided into packets of variable packet size based on the size of each sound data packet.

Bhadkamkar discloses, in Fig 2, a system 200 includes a processing device 210, a display device 203, a user interface device 204, and a conventional bus 205. Further, Bhadkamkar

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teaches that the audio data can be subdivided into audio segments having same duration as found in the audio segments of the original audio data set. For each audio segment in the modified audio data set, the one or more partial or complete video frames from the original video data set that correspond to that audio segment can be modified to produce a single modified video frame that corresponds to that audio segment (Fig 1, step 104; column 24, lines 35-64).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add a method that divides the image data into packets of variable packet size based on the size of each sound data packet, such as that suggested by Bhadkamkar, to the apparatus of Sugiyama in order to reduce or eliminate distortion of the display and to maintained synchronization between the audio and video displays.

Regarding claim 14, Sugiyama/ Bhadkamkar shows all the claim limitations, as stated above, except for a software program. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use software program codes in order to more efficiently improves or improvise a system rather than modify its existing hardware.

2. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sugiyama/ Bhadkamkar as applied to claims 1 and 13 above, and further in view of Ogasawara et al. (US 5,784,112).

Sugiyama/ Bhadkamkar shows all the claim limitations, as stated above in paragraph 1. However, Sugiyama/Bhadkamkar does not expressly disclose the controller changes the packet size of the image data according to the amount of the sound data to be transmitted in packets is zero.

Ogasawara teaches that the amount of data within the predetermined range is controlled by being switched in accordance with the presence/absence of audio data. Fig. 4a shows an ECC format when audio data to be multiplexed with video data is absent. See column 5, lines 28-53.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add a method wherein controller changes the packet size of the image data according to the absences of sound data, such as that suggested by Ogasawara, in the control system of Sugiyama/Bhadkamkar. Doing so would avoid wasting of the capacity of the transmission channel (since the area for audio data in the transmission format is vacant).

3. Claims 4-7, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugiyama/ Bhadkamkar as applied to claims 1 and 13 above, further in view of Palmer et al. (US 5,375,068).

Sugiyama/ Bhadkamkar shows all the claim limitations, as stated above in paragraph.1. However, Sugiyama/Bhadkamkar does not expressly disclose devices for an image input, a sound input, a display, and a sound output as in claims 4-7, 11 and 12.

Palmer discloses, in Fig 1, a video camera 38, headphones with microphone, and a display

30. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add devices for an image input, a sound input, a display, and a sound output to the apparatus of Sugiyama/ Bhadkamkar, as taught by Palmer in order to allow multiple users to participate in a video teleconference.

Response to Arguments

4. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saba Tsegaye whose telephone number is (703) 308-4754. The examiner can normally be reached on Monday-Friday (7:30-5:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (703) 305-4744. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

ST
June 13, 2002


HASSAN KIZOU
SUPERVISORY PATENT EXAMINER
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